

United States District Court

SEP - 3 2016

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Branden Nava

PRINCIPAL

Case Number:

YOB: 1991

M-16-1650 -M

United States

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 01, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Jose Salvador Vasquez-Beltran citizen and national of El Salvador and Eder Alexander Portillo-Cardona citizen and national of the Honduras, along with five (5) other undocumented aliens, for a total of seven (7), who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Sullivan City, Texas to the point of arrest near Sullivan City, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On September 1, 2016, at approximately 6:45 p.m., Border Patrol Perez was patrolling on Mile 7 and Pinto Road north of Sullivan City, Texas. This area is a notorious corridor used by human and drug smugglers attempting to avoid law enforcement.

Agent Perez noticed a white Chevrolet pickup truck passing his location. Agent Perez observed several subjects in the bed of the white pickup truck. The subjects were laying down trying to conceal themselves. Agent followed the white pickup truck in order to stop the vehicle and perform an Immigration Inspection on all occupants. Agent Perez activated his emergency equipment in an attempt to perform a vehicle stop. Agent Perez observed the white pickup truck come to an abrupt stop and multiple subjects fleeing from the vehicle. Agent Perez ran towards the white pickup truck in an attempt to apprehend the driver of the white truck. Agent Perez tried to detain the driver through the driver's side window; the driver resisted, placed the vehicle into drive, and accelerated from the scene.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Julio Pena Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

September 03, 2016

Date

Y:05/16 at

McAllen, Texas

City and State

Peter E. Ormsby

U. S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16-1650 -M

RE: Branden Nava

CONTINUATION:

Agent Perez immediately notified surrounding Agents and other law enforcement agencies in the area about the situation and initiated a vehicle pursuit. Agent Perez witnessed the driver of the pickup truck driving in a dangerous manner by passing civilian vehicles on the unimproved shoulder of the roadway at a high rate of speed. After following the pickup truck for approximately 4 miles, Agent Perez discontinued the pursuit and returned to the scene of the bailout. After a search of the area, the agents apprehended seven illegal aliens.

Approximately fifteen minutes after, Radio Communications advised that Hidalgo County Sheriff's Office had made contact with the pickup truck and the driver. Agent Perez responded and identified the white pickup truck and driver. The driver of the truck was identified as Branden NAVA. Sheriff Arguello stated he noticed the truck parked on the side of the road and a man outside walking around the truck. Sheriff Arguello made a consensual approach and confirmed that the vehicle was in fact the suspect vehicle previously pursued by Border Patrol. Sheriff Arguello detained the subject and notified Border Patrol. Agent Perez took custody of Branden NAVA and placed him under arrest for alien smuggling. Before agents could provide NAVA with his Miranda Rights, NAVA freely stated he fled the scene of the bailout out of fear of returning to prison.

PRINCIPAL STATEMENT:

Branden NAVA was read his Miranda Rights and agreed to provide a statement without an attorney present.

Branden NAVA a United States Citizen, stated that an old friend offered him a job as transporting illegal aliens for money. NAVA accepted the job and was to be paid \$100 USD per alien. NAVA claims that his friend told him where to pick up the illegal aliens and to follow a red truck to the drop off location in McAllen, Texas. NAVA stated that he picked up the illegal aliens near the Rio Grande River south of Sullivan City, Texas.

MATERIAL WITNESS STATEMENT - 1:

Jose Salvador VASQUEZ-Beltran was read his Miranda Rights and agreed to provide a statement without an attorney present.

Jose Salvador VASQUEZ-Beltran a citizen of El Salvador, stated his father paid \$3,500 USD for him to be smuggled into the United States and was to pay \$ 3,500 USD once in North Carolina. VASQUEZ also stated that he and others crossed the Rio Grande River with the help of a smuggler and once in the United States, the smuggler guided them to the pickup location. Once they arrived at the location, a white pickup truck stopped next to them and the driver of the truck told them to get in. VASQUEZ claims that after they boarded the truck, they drove for about thirty minutes before the truck stopped abruptly and the driver told everyone to get down.

Jose Salvador VASQUEZ-Beltran identified Branden NAVA through a photo lineup as the driver of the white pickup truck.

MATERIAL WITNESS STATEMENT - 2:

Eden Alexander PORTILLO-Cardona was read his Miranda Rights and agreed to provide a sworn statement without an attorney present.

Eden Alexander PORTILLO-Cardona a citizen of Honduras, stated his mother paid \$ 7000 Limpiras for him to be smuggled into the United States. PORTILLO also stated he crossed the Rio Grande River illegally. Once in the United States, he followed a smuggler to a road where a white pickup truck was waiting. According to PORTILLO, the smuggler told them to get in the truck. Also, PORTILLO stated they drove for about thirty minutes before the truck stopped. PORTILLO described the driver of the truck as being heavier set and wearing a white T-shirt.

Eden Alexander PORTILLO-Cardona identified Branden NAVA through a photo lineup as the driver of the white pickup truck.